



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

December 2, 2021

Megan M. Egli
Stephanie S. Sankar
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Bryan E. Sheppard v. United States
Department of Justice, Case No. 17-01037
CV-W-ODS (W.D. Mo)

Dear Ms. Egli and Ms. Sankar:

This is a supplemental response to your Freedom of Information Act request dated April 7, 2016, seeking records related to the 1988 arson that killed six Kansas City firefighters, which included the July 8, 2011 Criminal Division Memorandum, as well as all notes, recordings, and transcripts pertaining to the Office of the Inspector General's investigation that produced that memorandum. Your request is currently the subject of litigation: Bryan E. Sheppard v. United States Department of Justice, Case No. 17-01037 (W.D. Mo.). You should refer to this case title and number in any future correspondence with this Office.

Pursuant to the Court's September 21, 2021 Order, this Office re-processed 114¹ pages of records in accordance with the guidance provided by the Court.

After re-processing the records pursuant to the Court's Order, I have determined that thirteen (13) pages are appropriate for release in full and 101 pages are appropriate for release in part, pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and,

¹ Please note that duplicate records noted in the *Vaughn* are not included in this page count since only one copy of each page, including attachments, was re-processed.

5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For any further assistance and to discuss any aspect of your request, you may contact Deputy U.S. Attorney and Civil Chief Jeffrey Ray at Jeffrey.Ray@usdoj.gov.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to an administrative appeal of this determination. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

Amanda Marchand Jones
Chief
FOIA/PA Unit

Enclosures